

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHANZ X. SANTOS, ppa, DENISE COLON,)	C.A. No.: 03- 12210 MLW
DENISE COLON, Individually, JESUS SANTOS,)	
)	
Plaintiffs,)	
)	
v.)	
)	
BOB'S DISCOUNT FURNITURE; REGENT)	
HOME DELIVERY; AGNALIZ ACOSTAS;)	
RAUL SANTOS,)	
)	
Defendants.)	
_____)	

JOINT STATEMENT OF THE PARTIES
PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to United States District Court Local Rule 16.1(D), the parties propose the following schedule for the subject litigation.

Facts

This case involves injuries to a seven year old child struck by an automobile on March 30, 2002. The Plaintiff alleges the Defendant, Bob's Discount Furniture and Regent Delivery illegally parked its delivery vehicle on Federal Street, Springfield, MA. The Santos child came from the sidewalk onto the road in front of the truck and was struck by a vehicle driven by Raul Santos and owned by Agnaliz Acostas. The Plaintiffs allege that the operator's visibility was obstructed by the illegally parked delivery truck. As a result of their alleged combined negligence the minor Plaintiff was struck. The Defendants deny that they were negligent.

He sustained the following injuries: head injury consisting of a right subdural bleed with a right sided epidural hematoma with an intraparenchymal bleed. He underwent a craniotomy with evacuation of the hematoma. He remained hospitalized until April 4, 2002. He remains with significant developmental deficits and delays in his cognitive abilities

I. JOINT DISCOVERY PLAN AND FILING OF MOTIONS

1. Discovery shall be completed by June 15, 2005.
2. All motions pursuant to Fed. R. Civ. P. 12, 15, 19, and 20 shall be filed no later than November 9, 2004.
3. Discovery shall commence on May 8, 2004. All requests for production of documents pursuant to Fed. R. Civ. P. 34 and all interrogatories propounded pursuant to Fed. R. Civ. P. 33 shall be served no later than January 1, 2005. All answers/responses to the written discovery indicated above shall be served no later than February 15, 2005.
4. All motions pursuant to Fed. R. Civ. P. 14 shall be filed by December 1, 2004.
5. All factual depositions (non-expert witnesses) shall be concluded no later than March 17, 2005.
6. Plaintiff counsel agrees to provide all of the medical records of plaintiff, which are presently due under Local Rule 35.1.
7. The number of non-expert depositions that each side may take is limited to 10, exclusive of any Keeper of Records depositions.
8. Plaintiff shall identify his experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before April 1, 2005.
9. Defendant shall identify its experts pursuant to Fed. R. Civ. P. 26(a)(2) on or before May 1, 2005.
10. The experts may be deposed. The parties shall pay reasonable expert fees as provided under Rule 26(a)(4)(C). The depositions of the experts shall be taken in

the area the expert has his place of business, unless otherwise agreed upon by the parties. Plaintiff's experts shall be deposed by May 1, 2005. Defendant's experts shall be deposed by June 15, 2005.

11. All discovery motions under Rule 37 shall be filed on or before April 1, 2005.
12. All dispositive motions, including motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed on or before July 16, 2005.
13. A final pretrial conference shall be scheduled by the Court on or some time following August 15, 2005.
14. The parties expect to be ready for trial by October, 2005.

II. TRIAL BEFORE A MAGISTRATE

The parties do not consent to having this case tried before a magistrate.

III. CERTIFICATIONS

The parties' counsel have conferred with their clients as to establishing a budget or cost for the litigation and with respect to ADR programs. Certificates Pursuant to Local Rule 16.1(D)(3) will be submitted separately.

IV. ADDITIONAL ISSUES

Regent Home Delivery has not filed an answer to Plaintiff's Complaint and Plaintiff requests it be defaulted.

/s/David P. Angueira

Plaintiff

Johanz Santos, Denise Colon,

Jesus Santos,

By Its Attorneys,

David P. Angueira, BBO#019610

SWARTZ & SWARTZ

Marshall Street

Boston, MA 02108

/s/Dwight D. Valentine

Defendant

Bob's Discount Furniture,

By Their Attorneys,

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Niarchos, Sullivan, Valentine

Malay

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/s/ John D. Curran

Defendant,

Agnaliz Acostas, and Raul Santos

John D. Curran, Esq.

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